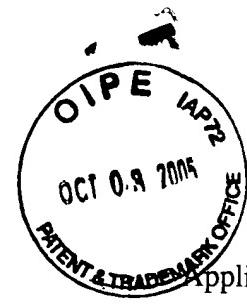


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Laurent Schaller et al.

Examiner: Ho, Uyen T.

Serial No.: 10/653,027

Group Art Unit: 3731

Filing Date: 08-28-2003

Docket No.: P-21544.02

Title: TISSUE CONNECTOR APPARATUS AND METHODS

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day September, 2005.

Signature

Jo L. Brecht

Printed Name

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Medtronic, Inc., a corporation of the State of Minnesota having a place of business at 710 Medtronic Parkway, Minneapolis, Minnesota, hereby represents that it is the exclusive owner of the entire interest in the above-identified Application, by virtue of an assignment recorded at R015134/F0906 on September 14, 2004. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,613,059 by virtue of the assignment recorded at R015134/F0906 on September 14, 2004.

10/05/2005 HLE333 00000022 132546 10653027

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Petitioner hereby disclaims the terminal part of any patent granted on the above-identified Application which would extend beyond the expiration date of a full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,613,059, not shortened by terminal disclaimer. Petitioner hereby agrees that any patent granted on the above-identified Application shall be enforceable only for and during such period that the legal title to such patent and U.S. Patent No. 6,613,059 are commonly owned. This agreement is to run with any patent granted on the above-identified Application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified Application prior to the expiration date of the full statutory term, not shortened by terminal disclaimer, of U.S. Patent No. 6,613,059, if such patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term.

The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner.

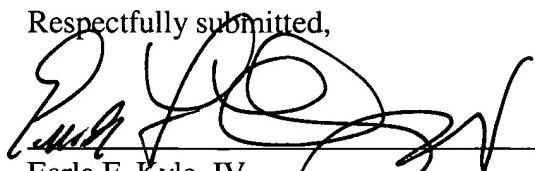
Documents establishing the chain of title of the subject patent application (including the aforementioned assignment and a notice from the Patent and Trademark Office noting its recording location) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge \$130.00 to Deposit Account No. 13-2546 for the fee required by 37 C.F.R. 1.20(d). Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Date: September 23, 2005

Respectfully submitted,



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